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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,309	04/12/2004	Seung-Cheol Lee	678-1306 (P11230)	2605
66547 7590 06/13/2008 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553				
EXAMINER				
HALIYUR, VENKATESH N				
ART UNIT		PAPER NUMBER		
2619				
MAIL DATE		DELIVERY MODE		
06/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/822,309

Applicant(s)

LEE ET AL.

Examiner

VENKATESH HALIYUR

Art Unit

2619

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-12.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2619

/Venkatesh Haliyur/
Examiner, Art Unit 2619

Continuation of 11, does NOT place the application in condition for allowance because: With respect to applicant's arguments (see, remarks) filed on 05/06/2008 for rejection of Claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over Varsa et al (U.S. Pub: 2004/0057446) in view of Matsui (U.S.Pub: 2002/0141740), the examiner respectfully disagrees and points applicants to the references as follows;

With respect to applicant's argument for claims 1 and 9 that Varsa fails to provide any disclosure relating to the delaying of the other data that was divided from the video data, however the examiner respectfully disagrees and points applicant's to para 0060, where Varsa et al disclosed that media data is delayed (temporarily stored in the buffer) based on the type of media data (audio or video data) by the buffer controller (item 110 of Fig 1) and the audio data is decoded and output from among the other data. Therefore the examiner has made a broad interpretation of "other data" as audio data which is decoded separately in a audio decoder while the video data is decoded separately in a video decoder and output to a post decoder buffer where it is delayed until a play out time arrives.

With respect to applicant's argument for claims 1 and 9 that Matsui fails to disclose the synchronization of the video data and audio data, which is performed according to a signal from a media delay output controller, the examiner respectfully disagrees as Matsui disclosed an SMIL unit for 3GPP standards (para 0005-0007) to synchronize streams of RTP data at a receiver to reproduce the RTP data transmitted by a server. Matsui further disclosed that RTP data may be audio, video and text data in para 0281-0284). Claim 1 recites the limitation of synchronizing section without specifying which synchronizing section (i.e. video or audio synchronizing section) is applicable, the examiner interpreted the SMIL synchronizing unit for both audio and video synchronization section as disclosed by Matsui. Therefore the examiner respectfully requests corrections to claims 1-12 to remedy this deficiency.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case both Varsa and Matsui references disclosed their inventions in the related art of the instant application for a method and an apparatus for streaming and reproduction multimedia data and therefore the references can be combined to produce the claimed invention.